

IC 33-4-12

Chapter 12. Delaware Circuit Court

IC 33-4-12-1

Jurisdiction; dockets

Sec. 1. (a) The Delaware circuit court is a court of general jurisdiction with five (5) judges. The divisions of the court shall be known as Delaware circuit court No. 1, No. 2, No. 3, No. 4, and No. 5. The county of Delaware constitutes the judicial district of the court and each of the court's divisions. The court shall maintain the following dockets:

- (1) Small claims.
- (2) Minor offenses and violations.
- (3) Criminal.
- (4) Juvenile.
- (5) Civil.
- (6) Probate.

(b) The assignment of judges of the court to the dockets specified in subsection (a) shall be by rule of the court. However, Delaware circuit court No. 4 and Delaware circuit court No. 5 shall each have a standard small claims and misdemeanor docket.

As added by P.L.124-2000, SEC.2.

IC 33-4-12-2

Presiding judge; selection; term

Sec. 2. The judges of the Delaware circuit court shall select from among themselves a presiding judge of the court. The presiding judge shall be selected for a minimum term of twelve (12) months.

As added by P.L.124-2000, SEC.2.

IC 33-4-12-3

Concerted action of judges; majority rule

Sec. 3. Whenever action of the entire court is required, including selection of a presiding judge under section 2 of this chapter and adoption of rules under section 5 of this chapter, the judges of the court shall act in concert. If the judges disagree, the decision of the majority of the judges controls.

As added by P.L.124-2000, SEC.2.

IC 33-4-12-4

Presiding judge; duties

Sec. 4. In accordance with rules adopted by the judges of the Delaware circuit court under section 5 of this chapter, the presiding judge shall do the following:

- (1) Ensure that the court operates efficiently and judicially.
- (2) Annually submit to the fiscal body of Delaware County a budget for the court, including amounts necessary for the following:
 - (A) Operation of the Delaware circuit court's probation department.

- (B) Defense of indigents.
 - (C) Maintenance of an adequate law library.
 - (3) Make appointments or selections required of a circuit or superior court judge.
- As added by P.L.124-2000, SEC.2.*

IC 33-4-12-5

Rules for administration of court

Sec. 5. (a) The judges of the Delaware circuit court shall adopt rules to provide for the administration of the court, including rules governing the following:

- (1) Allocation of case load.
- (2) Legal representation for indigents.
- (3) Budgetary matters of the court.
- (4) Operation of the probation department.
- (5) Term of administration of the presiding judge.
- (6) Employment and management of court personnel.
- (7) Cooperative efforts with other courts for establishing and administering shared programs and facilities.

(b) The court shall file with the division of state court administration a copy of the rules adopted under this section.

As added by P.L.124-2000, SEC.2.

IC 33-4-12-6

Administrative personnel

Sec. 6. (a) Each judge of the Delaware circuit court may, subject to the budget approved for the court by the fiscal body of Delaware County, employ personnel necessary for the proper administration of the judge's docket.

(b) Personnel employed under this section:

- (1) include court reporters, bailiffs, clerical staff, and any additional officers necessary for the proper administration of the court; and
- (2) are subject to the rules concerning employment and management of court personnel adopted by the court under section 5 of this chapter.

(c) A commissioner is entitled to practice law in any division of the court in which the commissioner does not have appointive judicial authority. A commissioner has judicial authority only in the division of the court presided over by the judge who appointed the commissioner.

As added by P.L.124-2000, SEC.2.

IC 33-4-12-7

Court administrator

Sec. 7. (a) The Delaware circuit court may appoint a court administrator subject to the budget approved for the court by the fiscal body of Delaware County.

(b) A court administrator appointed under this section is subject to the rules concerning employment and management of court personnel adopted by the court under section 5 of this chapter.

As added by P.L.124-2000, SEC.2.